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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/997,402

11/28/2001

Samir Narendra Mehta

320037.402

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7590

05/16/2006

MOTOROLA INC

600 NORTH US HIGHWAY 45

ROOM AS437

LIBERTYVILLE, IL 60048-5343

EXAMINER

DOAN, DUYEN MY

ART UNIT

PAPER NUMBER

2152

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/997,402	MEHTA ET AL.	
	Examiner	Art Unit	
	Duyen M. Doan	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-33, 35, 36, 39-51, 55, 56, 58 and 60-73 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33, 35, 36, 39-51, 55, 56, 58 and 60-73 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/16/06 has been entered. Claims 1-33,35,36,39-51,55,56,58 and 60-73 are presented for examination. Claims 34, 37-38, 52-54,57,59 are cancelled.

The text of those sections of Title 35, U.S. Code not included in this office action can be found in a prior Office Action.

Claims 1-20,22-33,35-36,39-41,43-51,55-56,60-71,73 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Jiang et al (us pat 6,741,853) in view of Tso et al (us pat 6,088,803).

Examiner took official notice on claims 21,42,58,72.

Jiang and Tso are cited for rejection, in the last Office Action; the citations, which are applicable, are hereby incorporated by reference.

### ***Response to Arguments***


Applicant's arguments filed 3/16/06 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Tso clearly stated that the prior letting the infected files reach to the client system would be corrupt and dangerous to client system, and the user may pass infected files to other clients (see Tso col.1, lines 19-48). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to use Tso's invention to combine with Jiang's invention to detect the content for malicious code before give them to the client to prevent infected files from ever being downloaded to end user machine.

As regard to applicant's argument "Tso fails to teach virus scanning data being transferred to wireless device". Examiner disagrees, Tso discloses a method of preventing the virus from ever being downloaded to end user machine using any type of

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network or networking environment (see Tso col.2, lines 16-25). Jiang teaches the method of deliver the content to the wireless client base on client's capability and preferences. It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the teaching of Tso to Jiang's invention to scanning data being transferred to wireless device, because using wireless device is extremely well known in the art.



BUNJOB JAROENCHONWANIT  
SUPERVISORY PATENT EXAMINER